

AFFIDAVIT

- 1) **AFFIANT/AGENT.** I, Nathan Adams, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection, have been employed by the USBP/CBP for approximately eighteen years and am currently assigned to the United States Border Patrol Grand Forks Sector Prosecution Unit.

Your affiant has reason to believe that SANCHEZ-Perez, Jose Alfredo, aka: SANCHEZ-Perez, Fredi (DOB: XX/XX/1976, COC: Mexico), illegally reentered the United States after being removed in violation of 8 U.S.C. § 1326(a).

- 2) **INITIAL ENCOUNTER.** On January 7, 2025, at approximately 5:35 PM, Grand Forks Sector Dispatch was contacted by Sergeant Halonen (Badge #1108) of the Watford City Police Department (WCPD) for assistance of one subject encountered during a traffic accident investigation. Supervisory Border Patrol Agent (SBPA) Higgs contacted the officer via cell phone. The officer stated that she was investigating a minor traffic accident near the 200 block of 6th Avenue NW, Watford City, ND. The driver of the vehicle, identified as Jose SANCHEZ, presented a Mexican identification document. The officer also advised that she had conducted a field sobriety test on SANCHEZ and that he had passed. The officer also advised that she would be issuing SANCHEZ several traffic citations.

SBPA Higgs conducted record checks based on the subject's biographical information. Record checks indicated that SANCHEZ had both immigration and criminal histories. No records were found to indicate that SANCHEZ has any current immigration documents allowing him to reside, pass through, or remain in the United States legally.

Based on the record checks, SBPA Higgs requested that SANCHEZ be detained and requested that the officer transport the subject to the McKenzie County jail until an agent could arrive to take SANCHEZ into custody. As SBPA Higgs was travelling to Watford City, he was advised by the officer that due to SANCHEZ's involvement in a traffic accident, the jail would not take custody of SANCHEZ until he had been medically cleared. As such, WCPD transported SANCHEZ to the McKenzie County Hospital in Watford City for further evaluation.

At approximately 7:30 PM, SBPA Higgs arrived at the hospital and met with WCPD officers and was updated on the situation. The officers stated that SANCHEZ would likely be medically cleared but were awaiting some lab results. While awaiting the lab results, SBPA Higgs spoke with SANCHEZ to conduct an immigration inspection. SBPA Higgs identified himself as a United States Border Patrol Agent and questioned SANCHEZ as to his citizenship. SANCHEZ admitted to being a citizen of Mexico. SANCHEZ claimed he had immigration paperwork pending; however, no current immigration documents or proceedings could be found that would allow him to live, work, or remain in the United States legally. SANCHEZ also admitted he had been deported previously. When questioned about

his last illegal entry into the United States, SANCHEZ stated it was over 10 years ago and that he had been living in Arizona up until four months ago when he moved to Watford City to work as a painter. SANCHEZ claimed to have no medical problems and that he does not take any prescription medication.

At approximately 9:00 PM, the doctor on duty medically cleared SANCHEZ for travel. SBPA Higgs placed SANCHEZ into Border Patrol custody. SANCHEZ was then transported to the Portal Border Patrol Station for processing.

- 3) POST ARREST INVESTIGATION.** Upon arriving at the Portal Border Patrol Station, SANCHEZ was enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results returned with immigration and criminal history showing that the subject had been removed two (2) prior times.

SANCHEZ is a citizen and national of Mexico.

- 4) IMMIGRATION HISTORY:** SANCHEZ has two (2) prior removals.

1. Arrest Date: February 26, 2009
 Arresting Agency: CBP/OFO Nogales, AZ
 Charge: INA 212(a)(6)(C)(i) – Fraud or Willful Misrepresentation
 Disposition: Expedited Removal, removed to Mexico at the Nogales, AZ Port of Entry on May 13, 2009.
2. Arrest Date: October 6, 2010
 Arresting Agency: ICE Phoenix, AZ
 Charge: INA 212(a)(6)(C)(i) – Fraud or Willful Misrepresentation
 Disposition: Reinstatement, removed to Mexico at the Nogales, AZ Port of Entry on October 25, 2010.

- 5) CRIMINAL RECORD:** SANCHEZ has three (3) criminal convictions.

1. Arrest Date: August 24, 2002
 Arresting Agency: DPS AZ
 Charge: Extreme DUI-BAC .15 or more
 Disposition: Guilty of misdemeanor DUI-BAC .15, sentenced to 10 days in jail.
2. Arrest Date: October 12, 2003
 Arresting Agency: Mesa, AZ Police Department
 Charge: Extreme DUI-BAC .15 or more
 Disposition: Guilty of misdemeanor DUI-BAC .15, sentenced to 120 days in jail.
3. Arrest Date: February 26, 2009
 Arresting Agency: CBP/OFO Nogales, AZ

Charge: Title 18, USC 1028(a)(4) AND (b)(6). Fraud and related activity in connection with ID documents.
Disposition: Convicted on March 3, 2009 – sentenced to 75 days in jail.

- 6) **MIRANDA RIGHTS/CONSULAR NOTIFICATION.** On January 8, 2025, BPA Kluczek witnessed by BPA Owen notified SANCHEZ of his Miranda Rights per Service Form I-214. SANCHEZ acknowledged his rights by signing the Service Form I-214. SANCHEZ was not willing to answer questions without an attorney present.

BPA Kluczek notified SANCHEZ of his right to consular communication; SANCHEZ declined to speak with a consular official.

No record could be found to indicate that SANCHEZ has ever applied for or been granted permission to reenter the United States by the Attorney General or by his successor, the Secretary of the Department of Homeland Security.

In my experience, the above facts constitute a violation of 8 U.S.C. § 1326(a).

The foregoing is true and correct to the best of my knowledge and belief.



Nathan Adams
Border Patrol Agent

Signed and sworn by reliable electronic means on 10th day of January 2025.



Alice R. Senechal
United States Magistrate Judge